PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

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May 14, 2003

Christine Todd Whitman, Administrator
Environmental Protection Agency
Ariel Rios Building (1101A)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Comments on ACC's Arylpolyolefins Category

Dear Administrator Whitman:

The following are comments on the ACC's revised test plan for the arylpolyolefins category. These comments are submitted on behalf of People for the Ethical Treatment of Animals, the Physicians Committee for Responsible Medicine, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These health, animal and environmental protection organizations have a combined membership of more than ten million Americans.

The ACC proposes conducting an acute fish test and a combined repeat-dose/ reproduction/ developmental toxicity test, which will result in the death of 40-120 fish and at least 675 mammals. We note that the EPA has, once again, posted its comments on this test plan *prior to* the close of the public comment period, thus ensuring that it does not take into account our concerns or the scientific issues we raise.

Our central concern is that the ACC has overlooked a critical existing HPV category: namely the Benzene, C6-12 Alkyl Derivatives, which was submitted by Huntsman Corporation. The compounds in Huntsman's category are structurally almost identical to the arylpolyolefins, merely having shorter-chain hydrocarbons branching off the central benzene ring, and they are in fact "a low boiling point co-product from the LAB (linear alkyl benzene) manufacturing process" (http://www.epa.gov/chemrtk/612alkde/c13311tc.htm). Huntsman's test plan presents one compound for which a complete SIDS data set is available: Benzene, C10-13 Alkyl Derivatives (CAS #67774-74-7). The structure of this compound exactly parallels the compounds in the arylpolyolefins category, and its lower molecular weight strongly suggests that it will have higher bioavailability, water solubility, and overall toxicity than the compounds in the arylpolyolefins category. This is exactly the justification the ACC uses in the arylpolyolefins category for selecting the specific compound for testing in this category, the C14-C24 alkaryl derivative. Therefore, if the ACC were simply to present the existing data for this one obvious category member, for which the complete profile is readily available on the EPA's HPV website, the perceived need for the proposed animal testing would be eliminated. We are astounded that the ACC has failed to do this, especially given the repeated requests we have made previously for industry and the EPA to make a serious effort to ensure that clearly appropriate chemicals are included in categories.

In addition to the category issues, the ACC is proposing to conduct acute fish toxicity testing before it has determined the $K_{o/w}$ of these compounds. The EPA has clearly stated that acute fish tests are inappropriate for compounds with log $K_{o/w}$ values above 4.2 (*Federal Register*,

December 26, 2000, vol. 65, no. 248, p. 81695) and, given the structures and properties of the arylpolyolefins, it is quite likely that their $K_{o/w}$ values will be greater than this value, as the $K_{o/w}$ of the more soluble C10-C13 derivatives range from 7.5 to 9.12 (as stated in Huntsman's test plan). The EPA recommends that with such highly hydrophobic compounds a chronic *Daphnia* test be used instead of acute fish tests. Therefore, it is quite likely that the fish test will be inappropriate and it is certainly inappropriate to have proposed it while this information is lacking.

We would like the ACC to contact us directly regarding this letter and can be reached through Dr. Richard Thornhill at RichardT@PETA.org.

Sincerely,

Jessica Sandler, MHS
Federal Agency Liaison
People for the Ethical Treatment of Animals